IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WA.No. 35 of 2007()

AGAINST THE JUDGEMENT/ORDER IN OP.29317/2001 Dated 25/05/2006

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APPELLANT: RESPONDENTS 1,2 & 3 IN O.P.
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1. PROJECT OFFICER, I.T.D.P.NILAMBUR.

2. DIRECTOR, I.T.D.P., VIKAS BHAVAN,
THIRUVANANTHAPURAM.

3. STATE OF KERALA REP.BY ITS SECRETARY
TRIBAL WELFARE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI. BENNY GERVASIS, GOVERNMENT PLEADER

RESPONDENTS: PETITINER IN O.P.

P.D.CHACKO, S/O.DOMANIC PEON,
INTEGRATED TRIBAL DEVELOPMENT PROGRAMME,
NILAMBUR.

BY /

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.A. NO. 35 OF 2007

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Dated this the 15th day of January 2007

JUDGMENT

Abdul Gafoor,J

Admittedly, the respondent/writ petitioner got appointment as peon in the Scheduled Tribes Department. The writ petitioner had been in service in an aided school as a full time menial. Had he continued there, he would have been entitled to the benefit under Rule 60(c) Part I KSR. Had he been in government school as a full time menial and then got appointment in Scheduled Tribes Department then also he would be entitled to the very same benefit. In such circumstances, there is no reason to deny that benefit merely on the ground that before commencing of government service on 09.04.1976 he had been a last grade servant in an aided school. The learned single Judge was justified in directing continuance to the writ petitioner until 60 years of age in terms of the said rule. It is also now trite in the light of the Rule 14 part III K.S.R. such service shall be counted

for the purpose of computation of pension. Therefore, there is no reason to admit the appeal and the appeal is dismissed.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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